

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Bill E. Clarkson and Frances C. Slate, dba Silk  
Purse Properties,

Complainants,

vs.

Pacific Gas and Electric Company,

Defendant.

Case 01-11-022  
(Filed November 7, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING PREHEARING CONFERENCE**

This ruling sets a Prehearing Conference (PHC) for June 17, 2003, at 2:00 p.m. in this proceeding in the Commission Courtroom, State Office Building, 505 Van Ness Avenue (at McAllister), San Francisco, California. At the parties' option, the PHC may be held by telephone rather than in person at the Commission's offices. The purpose of the PHC is to discuss how to resolve this case given that the Commission is also considering baseline quantities, the subject of the Complaint, in a separate Rulemaking, (R.) 01-05-047.

Complainants, electricity customers of Pacific Gas and Electric Company (PG&E), challenge the "baseline" energy usage level set for the common area of their 38-unit apartment building at 1 Excelsior Court in Oakland, California. They seek an increase in the common area baseline allocation from 7.7 kilowatt hours (kWh) per day to 117.8 kWh per day.

In January 2003, the Commission entertained and approved in Decision (D.) 03-01-037 an unopposed settlement proposal by several parties, including PG&E, the Commission's Office of Ratepayer Advocates, and several multi-dwelling unit owners and trade organizations to reform PG&E's common area baseline policies. As we stated in that decision, "The residential tiered rate structure adopted for PG&E in D.01-05-064 has a disproportionate effect on larger-usage common area accounts, compared to other residential customers." The approved settlement gave PG&E's common area electric accounts, such as Complainants, the option of moving to commercial rate schedules rather than continuing to pay residential rates.

The Commission may also resolve other common area issues in an upcoming decision that is pending in R.01-05-047.

There are a number of possible options for handling this proceeding. First, it might be appropriate simply to dismiss this Complaint and allow Complainants' issues to be resolved in R.01-05-047. Second, the Commission might dismiss the Complaint without prejudice (with leave for Complainants to refile it) until R.01-05-047 is completed. Third, I could hold this case in abeyance pending the outcome of R.01-05-047. It is not feasible, however, to decide this case now given that the Commission is looking at the issue Complainants raise in another proceeding applicable to all customers in Complainants' position.

The parties should be prepared to discuss the foregoing options — and any others they propose — at the PHC. If the parties wish the PHC to proceed by telephone, they should contact me at least two business days prior to the conference at (415) 703-2310.

Therefore, **IT IS RULED** that:

1. The Commission will hold a Prehearing Conference (PHC) in this proceeding at 2:00 p.m. on June 17, 2003, in the Commission Courtroom, State Office Building, 505 Van Ness Avenue (at McAllister), San Francisco, California.
2. The parties shall be prepared to discuss the foregoing options for disposition of this case — and any others they propose — at the PHC.
3. If the parties wish the PHC to proceed by telephone, they should contact me at least two business days prior to the conference at (415) 703-2310.

Dated June 4, 2003, at San Francisco, California.

/s/ SARAH R. THOMAS

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Sarah R. Thomas  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated June 4, 2003, at San Francisco, California.

/s/ HELEN FRIEDMAN

Helen Friedman

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.